

IN THE UNITED STATES DISTRICT COURT IN AND
FOR THE DISTRICT OF DELAWARE

MICHELLE L. SMITH,)	
)	
Plaintiff)	
v.)	C.A. No.
)	
SUSSEX CONSERVATION DISTRICT,)	
KIP FOSKEY, INDIVIDUALLY AND IN)	
HIS CAPACITY AS A SUPERVISOR FOR))	
SUSSEX CONSERVATION DISTRICT)	
AND DEBRA L. ABSHER,)	
INDIVIDUALLY AND IN HER)	
CAPACITY AS DISTRICT)	
COORDINATOR FOR THE SUSSEX)	
CONSERVATION DISTRICT)	
Defendant.		

NOTICE OF REMOVAL

Defendants the Sussex Conservation District (hereinafter, "the District"), Kip Foskey (hereinafter "Foskey"), and Debra L. Absher, (hereinafter "Absher"), collectively, hereinafter, the "Defendants," by and through their undersigned counsel, hereby give notice that this matter has been removed pursuant to 28 U.S.C. § 1441, to the United States District Court for the District of Delaware. The grounds for removal are as follows:

1. Plaintiff Michelle L. Smith ("Plaintiff") commenced this action, entitled *Michelle L. Smith v. Sussex Conservation District, Kip Foskey, individually and in his capacity as a supervisor for the Sussex Conservation District, and Debra L. Absher, individually and in her capacity as District Coordinator for the Sussex Conservation District*, Case No. 06C-10-039 RBY in the Superior Court of the State of Delaware in and for Kent County. On information and belief, the Verified Complaint ("Complaint") was filed on or about October 25, 2006.

2. Defendants first obtained a copy of Plaintiff's Complaint when it was served on December 4, 2006. A copy of the Complaint and Summons are attached as Exhibit 1.

3. No further proceedings in this matter have been had in the Superior Court of the State of Delaware in and for Kent County.

4. This action includes a federal claim under 42 U.S.C. § 1982 and the Fourteenth Amendment of the United States Constitution, conferring original jurisdiction upon this court of any civil action arising under the laws of the United States.

5. Plaintiff alleges that she was discriminated against and denied equal protection based on her sex (female).

6. To the extent Plaintiff is asserting any claims under state law, this Court has supplemental jurisdiction over said claims pursuant to 28 U.S.C. § 1367.

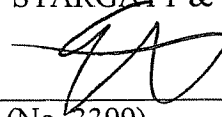
7. This Notice of Removal is being filed within 30 days of the Defendants' receipt of the Complaint and is hereby timely filed under 28 U.S.C. § 1446(b).

8. Defendants have filed a true and correct copy of the Notice of Removal with the Superior Court of the State of Delaware in and for Kent County. A copy of the Notice is attached hereto as Exhibit 2.

WHEREFORE, Defendants respectfully request that this action now pending against them in the Superior Court of the State of Delaware in and for Kent County, be removed therefrom to this Court and that this action be placed upon the docket of this Court for further proceedings, as though this action originally had been instituted in this Court.

Respectfully submitted,

YOUNG CONAWAY STARGATT & TAYLOR, LLP



Scott A. Holt, Esquire (No. 3399)
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, Delaware 19899-0391
Telephone: (302) 571-6623
Facsimile: (302) 576-3299
Email: sholt@ycst.com
Attorney for Defendants

Dated: December 20, 2006

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT COUNTY

MICHELLE L. SMITH,
Plaintiff,

v.

SUSSEX CONSERVATION DISTRICT,
KIP FOSKEY, individually,
and in his capacity as
a supervisor for the
Sussex Conservation District,
and DEBRA L. ABSHER,
individually, and in her
capacity as District
Coordinator for the
Sussex Conservation
District,

Defendants.

C.A. No.

ARBITRATION CASE

TRIAL BY JURY DEMANDED

RECEIVED
AND
FILED
OCT 25 PM 1:23
FEDERAL SOCIETY
NOTARY

COMPLAINT

1. Plaintiff Michelle L. Smith (hereinafter "Plaintiff") is a resident of the State of Delaware, residing at 4849 Arthursville Road, Hartly, Delaware, 19953.

2. Defendant Sussex Conservation District is a political subdivision of the State of Delaware, formed pursuant to 7 Del. C. § 3901 et. seq. Defendant's address is 408 North Dupont Highway, Suite B, Georgetown, Delaware 19947.

3. Defendant Kip Foskey is employed by Defendant Sussex Conservation District as a senior planner.

4. Defendant Debra Absher is employed by Defendant Sussex Conservation District as the District Coordinator.

5. Jurisdiction is conferred on this court by 19 Delaware Code §715.

6. Plaintiff brings this action to redress the wrongs done to her by Defendants' discrimination against her on the basis of her sex.

7. Plaintiff timely submitted a complaint of discrimination on the basis of sex and national origin with the Delaware Department of Labor ("DDOL") and the Equal Employment opportunity Commission ("EEOC").

8. Plaintiff has received a Notice of Right to Sue for the above-referenced charge from the DDOL.

9. Plaintiff has timely filed this Complaint within ninety (90) days of her receipt of the Notice of Right to Sue.

10. Plaintiff is a female.

11. At all times relevant to this Complaint, Plaintiff was qualified for her job position and satisfactorily performed all duties of her job position.

12. On or about June 27, 2005, Plaintiff began her employment with the Sussex Conservation District. Plaintiff had recently graduated from Delaware Valley College with a degree in Agronomy and Environmental Science.

13. One of Plaintiff's supervisors at the Conservation District was Kip Foskey.

14. Soon after she began her employment at Defendant Sussex Conservation District, Plaintiff noticed Foskey "leering" at her and staring at her chest.

15. Plaintiff also observed Foskey noticeably rubbing or

"adjusting" his genitals in front of Plaintiff. Foskey repeated the aforementioned behavior in Plaintiff's presence on numerous occasions thereafter.

16. On other occasions, Foskey would purposely "bump into" and make physical contact with Plaintiff when he was passing by her in the hallway.

17. Foskey also made frequent unsolicited comments about Plaintiff's appearance.

18. On August 18, 2005, Plaintiff met with Rich Kirschner to inform him of Foskey's inappropriate and sexually oriented behavior.

19. On or about August 26, 2005 Plaintiff met with Debra Absher, the District Coordinator for the Sussex Conservation District, to discuss Foskey's aforementioned behavior. Prior to this meeting on August 26, 2005, Plaintiff had complained directly to Absher of Foskey's inappropriate and sexually oriented behavior.

20. Rich Kirschner, another employee of the Sussex Conservation District, was also present at this meeting of August 26, 2005.

21. Ms. Absher's response to Plaintiff's complaints at the meeting on August 26, 2005 was that "Kip was harmless" and that he "only checked girls out when he was nervous." Ms. Absher also claimed that Foskey's behavior of "groping himself" was only a nervous habit. No official action was taken against Foskey after this meeting.

22. On September 15, 2005, Plaintiff received a letter from

Defendant Debra Absher informing Plaintiff that her employment with the Sussex Conservation District was to be "terminated effective immediately." The letter Plaintiff received gave no explanation for Plaintiff's termination.

COUNT I

23. Plaintiff hereby restates and incorporates by reference paragraphs 1 through 23 hereinabove.

24. By committing the aforementioned acts, Defendant has discriminated against Plaintiff with regard to the terms and conditions of her employment and terminated her employment on the basis of her sex in violation of 19 Del. C. §710 et. seq.

25. As a direct result of this unlawful discriminatory conduct of Defendant, Plaintiff has suffered damages, including but not limited to physical and emotional injury, pain and suffering, mental anguish, humiliation, and lost wages.

WHEREFORE, Plaintiff demands judgment against Defendant Sussex Conservation District for:

- (a) Back pay, including interest;
- (b) Reinstatement if feasible, or in the alternative, front pay;
- (c) Compensatory damages, including damages for emotional and physical pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and all other non-pecuniary losses;
- (d) Punitive damages;
- (e) Pre-judgment and post-judgment interest;

- (f) Attorney's fees; and
- (g) Any other relief that this court deems just.

COUNT II

26. Plaintiff hereby restates and incorporates by reference paragraphs 1 through 27 hereinabove.

27. By committing the aforementioned acts, Defendant also violated 19 Del. C. § 710, et. seq. by retaliating against Plaintiff in response to her complaints of sexual harassment by terminating Plaintiff's employment.

28. As a direct result of this unlawful retaliatory conduct of Defendant, Plaintiff has suffered damages, including but not limited to physical and emotional injury, pain and suffering, mental anguish, humiliation, and lost wages.

WHEREFORE, Plaintiff demands judgment against Defendant Sussex Conversation District for:

- (a) Back pay, including interest;
- (b) Reinstatement if feasible, or in the alternative, front pay;
- (c) Compensatory damages, including damages for emotional and physical pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and all other non-pecuniary losses;
- (d) Punitive damages;
- (e) Pre-judgment and post-judgment interest;
- (f) Attorney's fees; and
- (g) Any other relief that this court deems just.

COUNT III

29. Plaintiff hereby restates and incorporates by reference paragraphs 1 through 31 hereinabove.

30. Defendants, acting under color of state law, have deprived Plaintiff of the rights afforded her under the United States Constitution and federal law, in violation of 42 U.S.C. §1983. These rights include, but are not limited to, Plaintiff's rights to equal protection and due process of law pursuant to the Fourteenth Amendment of the United States Constitution.

31. Such violations of law happened in the context of a continuing, widespread, and persistent pattern of constitutional misconduct by Defendant Foskey and Defendant Absher, employees of said Defendant Sussex Conservation District, and with deliberate indifference to or tacit authorization of Defendant Foskey's and Defendant Absher's conduct by said Defendants' policy-making officials after notice to the officials of said misconduct.

WHEREFORE, Plaintiff demands judgment against Defendant Sussex Conservation District, Defendant Kip Foskey and Defendant Debra Absher, jointly and severally, for:

- (a) Back pay, including interest;
- (b) Compensatory damages, including damages for emotional and physical pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and all other non-pecuniary damages;
- (c) Punitive damages;
- (d) Pre-judgment and post-judgment interest;

- (e) Attorney's fees;
- (f) Reinstatement; and
- (g) Any other relief that this Court deems just.

COUNT IV

32. Plaintiff hereby restates and incorporates by reference paragraphs 1 through 34 hereinabove.

33. By their actions as described in this Complaint, including but not limited to, discriminating against Plaintiff and terminating Plaintiff for registering a complaint of sexual harassment, Defendant has breached the covenant of good faith and fair dealing implied under Delaware law.

34. Defendant's actions in breaching the implied covenant of good faith and fair dealing were wilful and/or wanton.

35. As a direct result of the wrongful conduct of Defendant and its agents, Plaintiff has suffered damages, including but not limited to, physical and emotional injury, pain and suffering, mental anguish, humiliation, and lost wages.

WHEREFORE, Plaintiff demands judgment against Defendant Sussex Conservation District:

- (a) Back pay, including interest;
- (b) Reinstatement, if feasible, or in the alternative, front pay;
- (c) Punitive damages;
- (d) Pre-judgment and post-judgment interest;
- (e) Attorney's fees; and
- (f) Any other relief that this Court deems just.


Respectfully submitted,

SCHMITTLINGER & RODRIGUEZ, P.A.

BY:


WILLIAM D. FLETCHER, JR., ESQUIRE
Bar ID #362

BY:


NOEL E. PRIMOS, ESQUIRE
Bar ID #3124
414 S. State Street
P.O. Box 497
Dover, DE 19903-0497
(302) 674-0140
Attorneys for Plaintiff

DATED: 10/25/06

COUNTY: N K S

CIVIL ACTION NUMBER: 06C-10-039 RBY

CIVIL CASE CODE: OTHR

CIVIL CASE TYPE: DISCRIMINATION
 (SEE REVERSE SIDE FOR CODE AND TYPE)

CAPTION:	NAME AND STATUS OF PARTY FILING DOCUMENT:
MICHELLE SMITH,	MICHELLE SMITH, Plaintiff
Plaintiff,	
v.	
SUSSEX CONSERVATION DISTRICT, KIP POSKEY, individually, and DEBRA ABSHER, individually,	DOCUMENT TYPE: (E.G., COMPLAINT; ANSWER WITH COUNTERCLAIM) Complaint and Related Pleadings
Defendants.	Non-Arbitration _____ (Certificate of Value may be required)
	Arbitration <input checked="" type="checkbox"/> Mediation _____ Neutral Assessment _____
	DEFENDANT (CIRCLE ONE) ACCEPT REJECT
	JURY DEMAND YES <input checked="" type="checkbox"/> NO _____
	TRACK ASSIGNMENT REQUESTED (CIRCLE ONE) EXPEDITED STANDARD COMPLEX
ATTORNEY NAME(S): William D. Fletcher, Jr.	IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER
ATTORNEY ID (S): 352	INCLUDING JUDGE'S INITIALS
FIRM NAME: SCHMITTINGER & RODRIGUEZ, P.A.	
ADDRESS: 414 SOUTH STATE STREET P.O. BOX 497 DOVER, DE 19903-0497	EXPLAIN THE RELATIONSHIP(S):
TELEPHONE NUMBER: 302-674-0140	OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT:
FAX NUMBER: 302-674-1830	
E-MAIL ADDRESS:	
(IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH PAGES)	

THE PROTHONOTARY WILL NOT PROCESS THE COMPLAINT, ANSWER OR FIRST RESPONSIVE PLEADING IN THIS MATTER FOR SERVICES UNTIL THE CASE INFORMATION STATEMENT (CIS) IS FILED. THE FAILURE TO FILE THE CIS AND TO HAVE THE PLEADING PROCESSED FOR SERVICE MAY RESULT IN THE DISMISSAL OF THE COMPLAINT OR MAY RESULT IN THE ANSWER OR FIRST RESPONSIVE PLEADING BEING STRICKEN.

RECEIVED
 AND
 FILED
 OCT 25 PM 1:23
 PROTHONOTARY

Exhibit 1

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

MICHELLE L. SMITH,
Plaintiff,

v.

SUSSEX CONSERVATION DISTRICT,
KIP FOSKEY, individually,
and in his capacity as
a supervisor for the
Sussex Conservation District,
and DEBRA L. ABSHER,
individually, and in her
capacity as District
Coordinator for the
Sussex Conservation
District,

Defendants.

C.A. No.

ARBITRATION CASE

TRIAL BY JURY DEMANDED

Served 12-4-06

PROTHONOTARY
FILED

OCT 25 PM 1:23

RECEIVED
AND
FILED

PRAECIPE

TO: PROTHONOTARY
Kent County Courthouse
The Green
Dover, DE 19901

Please docket the attached Complaint and Related Pleadings
and issue Summons to the Sheriff of Sussex County to serve the
same and copies of the attached Complaint and Related Pleadings,
upon the following Defendants:

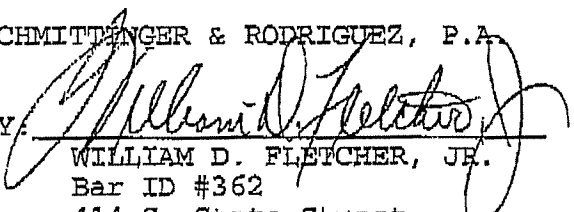
1. Defendant Sussex Conservation District by serving
it's registered agent at 408 North Dupont Highway, Suite B,
Georgetown, Delaware 19947;
2. Defendant Kip Foskey by serving him at his place of
work, Sussex Conservation District, 408 North Dupont Highway,
Suite B, Delaware 19947;
3. Defendant Debra Asher by serving her at her place
of work, Sussex Conservation District, 408 North Dupont Highway,

Suite B, Delaware 19947.

Enclosed is payment of costs for this matter.

SCHMITTINGER & RODRIGUEZ, P.A.

BY:


WILLIAM D. FLETCHER, JR.

Bar ID #362

414 S. State Street

P.O. Box 497

Dover, DE 19903-0497

Attorneys for Plaintiff

DATED:
/clg

10/25/06

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR KENT COUNTY

MICHELLE L. SMITH,

Plaintiff,

v.

SUSSEX CONSERVATION DISTRICT,
KIP FOSKEY, individually,
and in his capacity as
a supervisor for the
Sussex Conservation District,
and DEBRA L. ABSHER,
individually, and in her
capacity as District
Coordinator for the
Sussex Conservation
District,

Defendants.

C.A. No. 06C-10-039 RBY

ARBITRATION CASE

TRIAL BY JURY DEMANDED

RECEIVED
AND
FILED
06 OCT 25 PM 1:23
KENT COUNTY
PROTHONOTARY

SUMMONS

THE STATE OF DELAWARE,
TO THE SHERIFF OF SUSSEX COUNTY
YOU ARE COMMANDED:

To summon the above named defendant, Debra Absher, so that within 20 days after service hereof up Defendant, exclusive of the day of service, Defendant shall serve upon William D. Fletcher, Jr., Esquire, Plaintiff's attorney, whose address is 414 S. State Street, Dover, DE 19901, an answer to the Complaint (and, if an affidavit of demand has been filed, an affidavit of defense).

To serve upon Defendant, a copy hereof and of the Complaint (and of the affidavit of demand if any has been filed by Plaintiff).

Dated: 10-31-06

Lisa M. Robinson

Prothonotary

Per Deputy

TO THE ABOVE NAMED DEFENDANT:

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, to serve on Plaintiff's attorney named above an Answer to the Complaint (and, if an affidavit of demand has been filed, an affidavit of defense), judgment by default will be rendered against you for the relief demanded in the Complaint (or in the affidavit of demand, if any).

Lisa M. Robinson

Prothonotary

Per Deputy

Exhibit 2

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

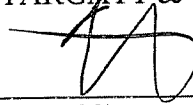
MICHELLE L. SMITH,)	C.A. No. 06c-10-039-RBY
)	
Plaintiff,)	Arbitration Case
)	
v.)	
)	
SUSSEX CONSERVATION DISTRICT,)	
KIP FOSKEY, individually,)	TRIAL BY JURY DEMANDED
and in his capacity as)	
a supervisor for the)	
Sussex Conservation District,)	
and DEBRA L. ABSHER,)	
individually, and in her)	
capacity as District)	
Coordinator for the)	
Sussex Conservation)	
District,)	
)	
Defendants.)	

NOTICE OF REMOVAL

TO: PROTHONOTARY
Kent County Courthouse
The Green
Dover, DE 19901

PLEASE TAKE NOTICE that Defendants Sussex Conservation District, Kip Foskey and Debra L. Absher, have removed the captioned case to the United States District Court for the District of Delaware. A copy of the Notice of Removal filed with the United States District Court on December 20, 2006 is attached as Exhibit A. Service of this Notice effects removal; the federal statute requires that the State Court proceed no further unless and until the case is remanded. 28 U.S.C. § 1446(d); Resolution Trust Corp. v. Bayside Developers, 43 F.3d 1230, 1238 (4th Cir. 1994) (“Thus the clear language of the general removal statute provides that the state court loses jurisdiction upon the filing of the petition of removal.”).

^{PC}YOUNG CONAWAY STARGATT & TAYLOR, LLP



Scott A. Holt, Esquire (No. 3399)
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, Delaware 19899-0391
Telephone: (302) 571-6623
Facsimile: (302) 576-3299
Email: sholt@ycst.com
Attorney for Defendants

Dated: December 20, 2006

CERTIFICATE OF SERVICE

I, Scott A. Holt, Esquire, hereby certify that on December 20, 2006, I caused two paper copies of the **Notice of Removal** and this certificate of service to be delivered via U.S. Mail to:

William D. Fletcher, Esquire
Schmittinger & Rodriguez, P.A.
414 South State Street
P.O. Box 497
Dover, DE 19903-0497



Scott A. Holt, Esquire (No. 3399)

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Michelle L. Smith (b) County of Residence of First Listed Plaintiff <u>Kent</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) William D. Fletcher, Jr. Schmittinger & Rodriguez, P.A., 414 South State Street, P.O. Box 497, Dover, DE 19903-0497, (302) 674-1830	DEFENDANTS Sussex Conservation District, Kip Foskey, individually and in his official capacity and Debra L. Absher, individually and in her official capacity County of Residence of First Listed Defendant <u>Sussex</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) Scott A. Holt, Young Conaway Stargatt & Taylor, LLP, 1000 West Street 17th Floor, P.O. Box 391, Wilmington, DE 19801, (302) 571-6623
--	--

II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table style="width: 100%;"> <tr> <td style="width: 33%;">Citizen of This State</td> <td style="width: 10%;">PTF <input type="checkbox"/> 1</td> <td style="width: 10%;">DEF <input type="checkbox"/> 1</td> <td style="width: 33%;">Incorporated <i>or</i> Principal Place of Business In This State</td> <td style="width: 10%;">PTF <input type="checkbox"/> 4</td> <td style="width: 10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated <i>and</i> Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

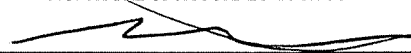
IV. NATURE OF SUIT (Place an "X" in One Box Only)						
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES		
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	

V. ORIGIN (Place an "X" in One Box Only)						
<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>42 U.S.C. §1983</u>
Brief description of cause: <u>Sex Discrimination; Equal Protection</u>	

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------------------	--	---

VIII. RELATED CASE(S) IF ANY	(See instructions): JUDGE _____	DOCKET NUMBER _____
-------------------------------------	---------------------------------	---------------------

DATE <u>12/2/06</u>	SIGNATURE OF ATTORNEY OF RECORD 
------------------------	--

FOR OFFICE USE ONLY			
RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____ MAG. JUDGE _____

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 06 - 776

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 4 COPIES OF AO FORM 85.

DEC 20 2006

(Date forms issued)



(Signature of Party or their Representative)

FRANK JOYCE / PARCELS, INC.
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action